

The Honorable Ricardo S. Martinez
Noted for: May 21, 2021

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

JIKIRI BAUTISTA, an individual, ARI
SILVA, an individual;

Plaintiffs,

v.

WFS EXPRESS, a Delaware corporation,
CONSOLIDATED AVIATION SERVICES,
a New York corporation;

Defendants.

NO. 2:18-cv-00757 RSM

**DECLARATION OF DUNCAN C.
TURNER IN SUPPORT OF
PLAINTIFFS' MOTION FOR
ATTORNEY'S FEES, COSTS, AND
INCENTIVE AWARD**

Duncan C. Turner declares and states:

1. I am lead counsel for the plaintiff in this action. I am making this declaration in support of Plaintiffs' Motion for Attorney's Fees, Costs, and Incentive Awards ("Fee Motion"). I have personal knowledge of the matters stated herein and am competent to testify to the same.

2. The action was filed in King County Superior Court on April 25, 2018, and then removed to federal court on May 25, 2018. The Parties participated in mediation on February 10, 2020. The Defendants provided Class Counsel with payroll and timekeeping data showing meal periods and pay rates for Class Members between May 15, 2016 and November 21, 2020. Class Counsel, as well as their retained expert witness Dr. Paul Torelli, closely analyzed this data to determine the number of allegedly missed meal periods, and the monetary wages associated with

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AWARDS - 1
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1 that labor time. After over a year of negotiations, on January 8, 2021, the Parties reached the
 2 Settlement Agreement. Under the Settlement Agreement, the Defendants agreed to pay Six
 3 Hundred and Fifteen Thousand Dollars (\$615,000), inclusive of the requested fees, costs, and
 4 incentive award. *See* Exhibit One, attached.

5 3. Based on payroll and timekeeping data produced by the Defendants, Class Counsel
 6 determined the class size to be approximately 958 past and current WFS employees. After
 7 considering the respective risks of an unfavorable outcome if the litigation were to proceed, the
 8 Plaintiffs agreed to a final settlement value of Six Hundred and Fifteen Thousand Dollars
 9 (\$615,000), inclusive of attorney's fees. This value consists of missed meal and rest break
 10 damages of \$419,819.13, and a contribution by Defendants of \$195,180.87 towards the requested
 11 fee, costs, and incentive awards. Although the Settlement Agreement was negotiated as a lump
 12 sum, these values were delineated as line items during discussions. As for net distributions, the
 13 range between the lowest and highest recovery will be determined by each Class Members'
 14 number of allegedly missed meal periods, and to a less degree, the number of shifts they worked.

15 4. BMT is a law firm in Seattle, Washington that focuses on complex litigation,
 16 including employment law, consumer law, securities law, and products liability. BMT's
 17 attorneys and staff have extensive experience in prosecuting class actions, collective actions,
 18 derivative actions, and other complex matters. BMT recently completed a campaign of
 19 approximately twenty-seven putative and certified collective actions arising under the SeaTac,
 20 Washington's Minimum Wage Ordinance.

21 5. The following table identifies the attorneys and staff members from my firm who
 22 worked on this case, a general description of the work performed, the hourly rate charged for
 23 each individual, the number of hours worked by each individual, the amount of fees for each
 24
 25

individual, and the total hours and fees for the firm through April 1, 2021. This table was prepared from contemporaneous, daily time records regularly prepared and maintained by the firm in the regular course of business. This table does not include time incurred in preparing this Motion for Attorney's Fees and supporting documentation.

Staff Member	Position	Hourly Rate	Total Billed Hours	General Duties
Duncan C. Turner	Attorney	\$575.00	10.6	Supervising litigation and consulting with Mr. Trivett and Mr. Tsegga regarding litigation strategy.
Mark Trivett	Attorney	\$350.00	397.5	Legal research, drafting, negotiations/communications with opposing counsel and communication with Class Members
Jennifer Bates	Paralegal	\$160	36	Assisting attorneys in drafting and filing pleadings and communicating with Class Members
Yonten Dorjee	Legal Assistant	\$130	33.8	Audit of back pay spreadsheet and interest calculations
Support Staff	Legal Assistant and Paralegal	\$120-160	38.5	Administrative activities associated with Notice Program
		Total:	516.4	

6. In addition to this work, I anticipate that BMT will expend an additional \$8,000 in attorney and paralegal time to conclude the administration and final resolution of the case.

7. As lead counsel, I reviewed the work of all other attorneys, law clerks, paralegals, and legal assistants on this matter. I supervised their work to avoid unnecessary duplication of effort and to encourage efficiency. The time incurred was reasonably and necessarily expended to secure the rights of the Class in settlement negotiations, in communication with the Class, and in presenting the settlement to the Court for approval.

8. BMT has incurred approximately \$33,255.87 in litigation expenses in this matter to

1 date. *See* Exhibit Two, a selection of cost invoices for this matter. The litigation expenses include
 2 expert witness fees for payroll and timekeeping analysis, mediation fees, photocopying and
 3 scanning, mailing expenses, and research expenses.

4 9. In summary, BMT's total lodestar, incurred to date, is as follows:

Category	Value
Past Time Value	\$157,611.50
Costs to Date	\$33,255.87
Total:	\$190,867.37

8 10. Plaintiffs aided Class Counsel by providing payroll data, regularly communicating
 9 to discuss the case, and provided information regarding their employer. They did not testify and
 10 were not deposed.
 11

12
 13 I declare under penalty of perjury that the foregoing is true and correct to the best of my
 14 knowledge and belief.

15 DATED this 3rd day of May, 2021, at Seattle, Washington.

17 /s/ Duncan C. Turner
 18 Duncan C. Turner, WSBA #20597

CERTIFICATE OF SERVICE

I hereby certify that on May 3rd, 2021, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following party(ies):

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